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# Letter dated 18 June 2015 from the representatives of Austria, Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, Netherlands, Norway, Sweden and Switzerland to the United Nations addressed to the President of the Security Council

We, the undersigned representatives of Austria, Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland (the informal group of like-minded States on targeted sanctions) have been strongly engaged in the issues of Security Council sanctions and due process. We would like to express our concern regarding the short-term risk of a gap in the occupation of the Office of the Ombudsperson in the Al-Qaida sanctions regime. We furthermore call for the improvement of the institutional independence of the Office. We look forward to continuing and deepening the dialogue on these important matters with all members of the Council.

Our group requested to speak on the basis of rule 37 of the provisional rules of procedure of the Security Council at the briefing of the subsidiary bodies of the Council on 16 June 2015. However, this request was not granted, contrary to previous occasions. We would thus be grateful if you could have the present letter and its annex, containing our group's statement, circulated as a document of the Security Council.

(*Signed*) Martin **Sajdik**
Ambassador
Permanent Representative of Austria to the United Nations

(*Signed*) Bénédicte **Frankinet**
Ambassador
Permanent Representative of Belgium to the United Nations

(*Signed*) Juan Carlos **Mendoza-García**
Ambassador
Permanent Representative of Costa Rica to the United Nations

(*Signed*) Ib **Petersen**
Ambassador
Permanent Representative of Denmark to the United Nations

(*Signed*) Kai **Sauer**
Ambassador
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(*Signed*) Harald **Braun**
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(*Signed*) Christian **Wenaweser**
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(*Signed*) Peter **van der Vliet**
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Deputy Permanent Representative of the
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(*Signed*) Geir O. **Pedersen**
Ambassador
Permanent Representative of Norway to the United Nations

(*Signed*) Olof **Skoog**
Ambassador
Permanent Representative of Sweden to the United Nations

(*Signed*) Paul **Seger**
Ambassador
Permanent Representative of Switzerland to the United Nations

**Annex to the letter dated 18 June 2015 from the representatives of Austria, Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, Netherlands, Norway, Sweden and Switzerland to the United Nations addressed to the President of the Security Council**

**Statement by the Deputy Permanent Representative of Germany to the United Nations, Heiko Thoms, on behalf of the informal group of like-minded States on targeted sanctions at the briefing of the subsidiary bodies**

16 June 2015

I have the honour to speak on behalf of the informal group of like-minded States on targeted sanctions, which comprises Austria, Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland.

The group of like-minded States is grateful for this opportunity to contribute to the discussion today. Our focus on the effectiveness and due process guarantees in the United Nations sanctions regimes is widely known. For the sake of a brief intervention, I would like to reinvite the Security Council and Member States to consider the proposals and ideas which we submitted in writing on 17 April 2014 in document S/2014/286.

In today's statement, I want to focus on the short- and medium-term challenges regarding the transition in the Office of the Ombudsperson. To us it is indisputable that such a transition has to be accomplished in an orderly and timely fashion that neither leaves the office a single day unoccupied nor may render an unfinished delisting case vulnerable to claims of a lack of due process.

Nevertheless, today, less than four weeks from the end of the contract of the incumbent Ombudsperson, this aspiration may be difficult to accomplish. We therefore call for the swift completion of the recruitment and appointment process to ensure that there will be no gap between the terms of the incumbent and the new Ombudsperson.

Resolution 1904 (2009) specifies not only that the Secretary-General, in close consultation with the Committee, appoints the Ombudsperson, but also that the Ombudsperson is to be an eminent individual of high moral character, impartiality and integrity with high qualifications and experience in relevant fields, such as legal, human rights, counter-terrorism and sanctions. We are therefore looking forward to the appointment of a new Ombudsperson who will have the qualifications, skills, experience and international standing necessary for this high office.

We also conclude from the resolution that, in case the successor cannot assume the office in a timely fashion, the Secretary-General would see to a suitable arrangement that precludes any gap in the office. While bearing in mind the five-year contract limit for consultants, under these exceptional circumstances this would mean in our view that the incumbent should be requested to stay in the office until the handover to the successor is duly completed.

The upcoming transition also presents an opportunity to address some of the limitations inherent in the current contractual and administrative arrangements. The status and privileges of the position should fully reflect the independence required to perform the tasks of the Ombudsperson effectively. Furthermore, the applicable administrative arrangements in place for budgeting, staffing, staff management and resource utilization at the Office of the Ombudsperson lack the critical features of autonomy. In fact, structurally no Office of the Ombudsperson has been created despite the decision in Security Council resolution 1904 (2009).

Necessary modifications in these arrangements are overdue and, ideally, should be addressed in the course of the ongoing recruitment processes.

The leadership, dedication and professionalism with which Ms. Kimberly Prost has fulfilled her tasks set the bar high for her successor. He or she should be guaranteed the institutional independence to perform these duties effectively and to the highest standards of integrity that we expect and that petitioners are entitled to. The like-minded group stands ready to engage in a continued dialogue to ensure that the regime complies with fundamental due process guarantees and human rights norms.

Thank you.